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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,210	06/26/2001	John David Schmidt	2316.1459US01	9354

23552 7590 07/30/2003

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P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

HYEON, HAE M

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,210

Applicant(s)

SCHMIDT ET AL.

Examiner

Hae M Hyeon

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. This application, filed under former 37 CFR 1.60, lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Witty et al (US Patent Application Publication 2002/0149923 A1)

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Art Unit: 2839

Witty discloses a cable management bracket 501 comprising a L-shaped elongated member 502, a plurality of slotted mounting tabs 505 and a plurality of fingers 508 spaced apart along a length of the elongated member 502 in the vertical direction. The fingers 508 define gaps 510 between the fingers 508 to receive telecommunications cables. The fingers 508 include bend radius limiter portions 528, which have a curved surface. Witty discloses that the bracket 501 is mounted on a support member 540. Furthermore, Witty teaches that the slotted mounting tabs 505 allows the bracket 501 to be mounted to a rack with the same fasteners used to mount a corresponding piece of telecommunications equipment to the rack by loosening the fasteners then sliding the bracket 501 into place with the fasteners received within a slot 509 of the mounting tabs 505 and re-tightening the fasteners to hold the bracket 501 in place (see paragraph [0065]). However, Witty does not disclose a cabinet frame enclosing the support members 540 and the bracket 501. Therefore, Witty does not show the support members 540 being recessed from a front of the cabinet frame or the fingers 508 being spaced from side walls of the cabinet frame to create a vertical cable pathway between the fingers and one of the side walls. Claim 8, line 1 recites a cabinet to be **an existing** telecommunications cabinet.

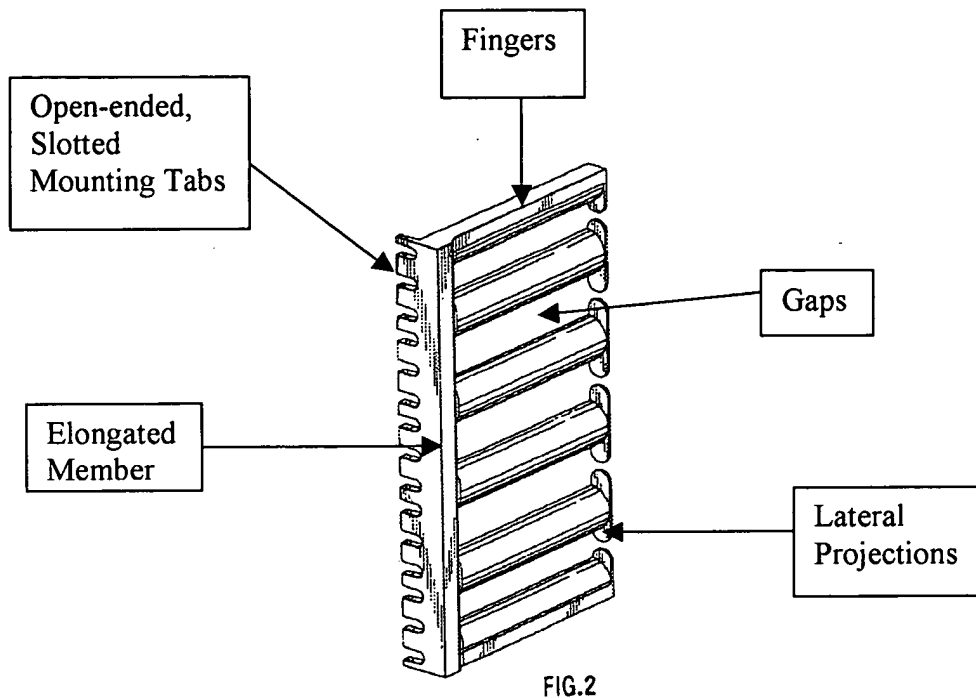
Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2839

5. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canty (D463,253 S) in view of Walters (5,758,002).



Canty discloses a cable management bracket comprising an elongated member having L-shaped, a plurality of fingers projecting from the elongated member, and a plurality of open-ended, slotted mounting tabs extending from the elongated member. The plurality of fingers is spaced apart along the length of the elongated member. The fingers have ends including lateral projections. However, Canty does not disclose the fingers including radius limiter portions or removable radius limiter portions.

Walters discloses a cable management bracket including a removable radius limiter portion 72 for guiding cables.

Art Unit: 2839

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the cable management bracket taught by Canty such that it would have a radius limiter portion, which can be removed, as taught by Walters because the radius limiter portion would protect telecommunications cables from damaging by bending over the limit of the cables.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 4,818,054 by George et al., US Patent No. 6,021,909 by Tang et al., US Patent No. 6,044,194 by Meyerhoefer, US Patent No. 6,102,214 by Mendoza, US Patent No. 6,170,784 B1 by MacDonald et al., US Patent No. 6,338,413 B1 by Walter et al., US Patent Application Publication 2002/0092127 A1 by Nhep, US Patent No. 6,468,112 B1 by Follingstad et al., US Patent No. 6,489,565 B1 by Krietzman et al., and US Patent No. 6,501,899 B1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hae M Hyeon whose telephone number is 703-308-4802. The examiner can normally be reached on Mon.-Fri. (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D Feild can be reached on 703-308-2710. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Art Unit: 2839

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Any response to this action may be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

For additional information regarding this new address, which was effective May 1, 2003, *see Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

Or Faxed to:

(703) 308-7722 or 308-7724

(Informal or draft communications should be clearly labeled "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)

2201 South Clark Place, Arlington, Virginia.

Hae M Hyeon
Examiner
Art Unit 2839

hnh

July 21, 2003

hnh

Hae Moon Hyeon